It is ordered, That respondent Milton Bradley Company, a corporation, and its officers, and respondent's agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of hobby products, toy craft products and activity toys such as those which have been manufactured or distributed by the Crafts by Whiting division of Milton Bradley Company, and any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Packaging said products in oversized boxes or other containers so as to create the appearance or impression that the width or thickness or other dimensions or quantity of products contained in a box or container is appreciably greater than is the fact; but nothing in this order shall be construed as forbidding respondent to use oversized containers if respondent justifies the use of such containers as necessary for the efficient packaging of the products contained therein and establishes that respondent has made all reasonable efforts to prevent any misleading appearance or impression from being created by such containers;

2. Providing wholesalers, retailers or other distributors of said products with any means or instrumentality with which to deceive the purchasing public in the manner described in Paragraph (1) above.

It is further ordered, That respondent or its successors or assigns notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporate respondent which may affect compliance obligations arising out of this Order.

It is further ordered, That the respondent distribute a copy of the Order to all operating divisions and subsidiaries of said corporation, and also distribute a copy of this Order to all firms and individuals involved in the formulation or implementation of respondent's business policies, and all firms and individuals engaged in the advertising, marketing, or sale of respondent's products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this Order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

The Decision and Order was issued by the Commission June 5, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-18807 Filed 7-18-75;8:45 am]

[Docket C-2672]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

C.D. Paige Co., Inc., Et Al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 *Truth in Lending Act;* § 13.155 *Prices;* § 13.155–95 *Terms and conditions;* 13.155–95(a) *Truth in Lending Act.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.1823–20 *Truth in Lending Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 *Truth in Lending Act;* § 13.1905 *Terms and conditions;* 13.1905–60 *Truth in Lending Act.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601 et seq.))

In the Matter of C. D. Paige Company, Inc., a Corporation, Doing Business as Premium Budget Plan, and Kenneth E. Norris, Individually and as an Officer of Said Corporation

Consent order requiring an East Providence, R.I., seller of insurance at retail, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondents C. D. Paige Company, Inc., a corporation, trading and doing business as Premium Budget Plan or under any other name or names, its successors and assigns, and its officers, and Kenneth E. Norris, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Failing to identify the amount or method of computing the amount, of any default, delinquency, or similar charge payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

2. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

3. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

4. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligations as required by § 226.8(b)(7) of Regulation Z.

5. Stating, utilizing or placing any additional information in conjunction with the disclosures required to be made by Regulation Z, which information misleads, confuses, contradicts, obscures or detracts attention from disclosure of information required to be disclosed by Regulation Z, in violation of § 226.6(c) of Regulation Z.

6. Failing in any consumer credit transaction to preserve evidence of compliance for a period of not less than two years as required by § 226.6(i) of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Decision and Order was issued by the Commission June 12, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-18808 Filed 7-18-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-75-394]

PART 82—REAL ESTATE SETTLEMENT PROCEDURES

Interpretation Requiring Certain Disclosures by Seller; RESPA Legal Opinion No. 1

●SUBJECT: Disclosure by seller required by RESPA Section 7 with respect to sale of properties acquired by seller pursuant to foreclosure or deed in lieu of foreclosure or acquired by seller pursuant to mortgage insurance or guaranty.●

This RESPA Legal Opinion No. 1 is an interpretation under Section 18(b) of the Real Estate Settlement Procedures Act of 1974 (RESPA) and under Section 82.3 (b)(3) of Regulation X, 24 C.F.R., Part 82. This RESPA Legal Opinion No. 1 is issued after consultation with the Department of Justice, the Administration of Veterans' Affairs, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and other interested agencies. The basis for the issuance of this RESPA Legal Opinion No. 1 is the authority of the General Counsel to provide legal guidance with respect to disposition of HUD-acquired properties.

Appendix A to part 82 is added to read as set forth below.

APPENDIX A

Section 7(a) of RESPA provides as follows:

Sec. 7(a) No lender shall make any commitment for a federally related mortgage loan on a residence on which construction has been completed more than twelve months prior to the date of such commitment unless it has confirmed that the following information has been disclosed in writing by the seller or his agent to the buyer—

(1) The name and address of the present owner of the property being sold;

(2) The date the property was acquired by the present owner (the year only if the property was acquired more than two years previously); and

(3) If the seller has now owned the property for at least two years prior to the date of the loan application and has not used the property as a place of residence, the date and purchase price of the last arm's length transfer of the property, a list of any subsequent improvements made to the property (excluding maintenance repairs) and the cost of such improvements.

1. *Property acquired by foreclosure.*

In the case of a sale of a property by a seller which acquired the property by purchase at a judicial or nonjudicial foreclosure, the disclosure requirements of Section 7(a)(3) regarding "date and purchase price of the last arm's length transfer" will be satisfied where disclosure is made as follows: The seller may treat such foreclosure sale as "the last arm's length transfer of the property" under Section 7(a)(3) and disclose the foreclosure sale price at which the seller acquired the property pursuant to the foreclosure sale and the fact that the property was acquired at a foreclosure sale.

2. *Property acquired by deed in lieu of foreclosure.*

Where the seller acquired the property pursuant to a deed in lieu of foreclosure, the disclosure requirements of Section 7(a)(3) regarding "date and purchase price of the last arm's length transfer" will be satisfied where disclosure is made as follows: The seller may treat the transfer by deed in lieu of foreclosure as "the last arm's length transfer of the property" under Section 7(a)(3) and disclose the amount of the debt cancelled in consideration of the deed in lieu of foreclosure plus any additional amount of compensation to obtain such deed in lieu of foreclosure, together with a statement that seller acquired the property pursuant to a deed in lieu of foreclosure.

3. *Property acquired pursuant to mortgage insurance or guaranty.*

Where the seller acquired the property pursuant to mortgage insurance or guaranty issued by the seller, the disclosure requirements of Section 7(a)(3) regarding "date and purchase price of the last arm's length transfer" will be satisfied where disclosure is made as follows: The seller may treat acquisition of the property pursuant to such mortgage insurance or guaranty as "the last arm's length transfer of the property" under Section 7(a)(3), and disclose (i) the full amount paid by the seller pursuant to such mortgage insurance or guaranty to acquire the property, or the approximate unpaid principal balance of the insured or guaranteed mortgage at or about the time of foreclosure or deed in lieu of foreclosure *and* (ii) a statement that the property was acquired pursuant to mortgage insurance or guaranty issued by the seller.

Under the situation described in paragraphs 1, 2 and 3 above, the seller must also disclose a list of improvements made to the property subsequent to the "last arm's length transfer" and the cost of such improvements. The seller may in addition disclose any other information regarding previous transfers on or transactions involving the property. The disclosures described above comply with Section 7(a)(3); no opinion is expressed as to whether any other alternative types of disclosure comply with Section 7(a)(3).

ROBERT R. ELLIOTT,
General Counsel.

JULY 11, 1975.

[FR Doc.75-18862 Filed 7-18-75;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

PART 5a—LABOR STANDARDS FOR RATIOS OF APPRENTICES AND TRAINEES TO JOURNEYMEN ON FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Trainees and Apprentices

On July 8, 1974, the Department of Labor published in the FEDERAL REGISTER (39 FR 24924) a notice of a proposal to revise its policy with respect to the employment and training of apprentices and trainees on Federal and federally assisted construction projects in excess of $10,000. To accomplish this purpose, the Department proposed to revoke Part 5a of Subtitle A of Title 29 of the Code of Federal Regulations, and to amend Part 5 of the subtitle by substituting therefor a new § 5.15. The principal effect of the proposal was to eliminate the mandatory use of apprentices and trainees, but to permit their use where the plan is approved by the Assistant Secretary for Employment Standards in consultation with the Assistant Secretary for Manpower. Conforming and procedural changes were proposed in other sections of Part 5.

Because of the number of requests for increased time for analysis and an apparently large degree of misunderstanding of the proposal, a clarifying notice granting an extension of time to file comments until October 15, 1974, was published in the FEDERAL REGISTER on September 12, 1974 (39 FR 32920).

All comments received within the allotted time period have now been carefully analyzed and staffs of interested offices within the Department have had in-depth discussions to insure the full review of all aspects of the matter before the issuance of a final document.

Based on its best judgment of the full record and its desire to provide meaningful training opportunities consistent with the rights of all construction workers, the Department has decided to revoke Part 5a, as proposed. As a result of comments received, it appears that proposed § 5.15 was unclear and may be difficult to enforce. Its substantive requirement that a training program must receive prior approval has been incorporated in the definition of "trainee" in § 5.2(c)(3), and in § 5.5(a)(4)(ii), a contract clause which must be inserted in every covered contract. Comments have also suggested that approvals of the programs should be granted by one agency, and that the Bureau of Apprenticeship and Training (hereinafter BAT) of the Manpower Administration is the agency with the expertise to evaluate training programs. Accordingly, the regulations provide that approval of the program by BAT, evidenced by certification, and the individual registration of trainees must be obtained prior to their employment at less than the predetermined wage rate for the work performed. Additional amendments to §§ 5.5 and 5.6 make it clear that no more than the allowable ratio of trainees to journeymen is permitted and that proper wage rates must be paid, require a payroll notation, and provide access to the contracting officer or representative of the Wage-Hour Division of evidence regarding compliance, in order to assure compliance and assist in enforcement. The requirement previously set forth in Part 5a that apprentices, trainees, and journeymen shall be utilized in conformity with equal employment opportunity requirements has been transferred to the contract clauses in § 5.5(a)(4)(iii), in substitution for the paragraph concerning application of Part 5a.

In order to prevent the disruption of existing training programs previously ap-

proved or recognized by the Department, a new § 5.15 has been added in substitution for the original proposed § 5.15 discussed above. With respect to such programs, a contractor will not be required to obtain approval of the program a second time, but shall be required to submit a copy of the program to BAT for certification of its prior approval or recognition, and to comply with the remaining requirements of § 5.5(a)(4)(ii). Moreover, if changes are made in the program, the revised program must be submitted to BAT for approval.

A new § 5.16 has been added to provide safeguards under circumstances where standards of a program approved pursuant to this part, or approved or recognized under previous policies pursuant to § 5.15, have not been complied with or where the program fails to provide adequate training.

A new § 5.17 has been added to provide an appeal to the Assistant Secretary for Manpower where a program has been disapproved or where approval has been withdrawn by the Bureau of Apprenticeship and Training.

In addition, changes have been made to correct references to obsolete sections in §§ 5.1(b) and 5.2(d), in §§ 5.6 and 5.11(b) to reflect existing delegations of authority, and in § 5.11(b) to make it clear that the Secretary of Labor may order hearings on his own motion.

The amendments to Part 5 and the revocation of Part 5a become effective August 20, 1975.

With respect to contracts entered into before August 20, 1975, the contracting agencies may allow contractors to eliminate the contract clauses set forth in existing § 5a.3 of Part 5a from their contracts, provided the amendments to the contract clauses in § 5.5 of Part 5, set forth herein, are incorporated in the contracts. These changes in the contracts may be made at any time on or after July 21, 1975.

A. Part 5 is amended as follows:

1. The table of sections is amended to add new §§ 5.15, 5.16, and 5.17 to Subpart A as follows:

Subpart A—General

5.15 Training plans approved or recognized by the Department of Labor prior to August 20, 1975.
5.16 Withdrawal of approval of a training program.
5.17 Appeal from Bureau of Apprenticeship and Training's decisions.

§ 5.1 [Amended]

2. Paragraph (b) of § 5.1 is amended by deleting the words "Sections 5.3 and 5.4" and substituting the words "Section 1.5 and 1.7 of this subtitle" therefor.

3. In § 5.2 paragraph (d) is amended by deleting "5.4" at the end of the paragraph and substituting "1.7 of this title" and paragraph (c) is revised to read as follows:

§ 5.2 Definitions.

* * * * *

(c) The terms apprentice and trainee are defined as follows:

(1) "Apprentice" means (i) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or (ii) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice;

(2) "Trainee" means a person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training as meeting its standards for on-the-job training programs and which has been so certified by that Bureau.

* * * * *

4. In § 5.5, paragraph (a)(3)(ii) is amended by adding the following sentence at the end of the paragraph: "Contractors employing apprentices or trainees under approved programs shall include a notation on the first weekly certified payrolls submitted to the contracting agencies that their employment is pursuant to an approved program and shall identify the program.", and paragraph (a)(4) is revised to read as follows:

§ 5.5 Contract provisions and related matters.

(a) * * *

(4) *Apprentices and trainees*—(i) *Apprentices.* Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subdivision (ii) of this subparagraph or is not registered or otherwise employed as stated above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the contracting officer or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the registration of his program and apprentices as well as the appropriate ratios and wage rates (expressed in percentages of the journeyman hourly rates), for the area of construction prior to using any apprentices on the contract work. The wage rate paid apprentices shall be not less than the appropriate percentage of the journeyman's rate contained in the applicable wage determination.

(ii) *Trainees.* Except as provided in 29 CFR 5.15 trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification, by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The ratio of trainees to journeymen shall not be greater than permitted under the plan approved by the Bureau of Apprenticeship and Training. Every trainee must be paid at not less than the rate specified in the approved program for his level of progress. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Bureau of Apprenticeship and Training shall be paid not less than the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish the contracting officer or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the certification of his program, the registration of the trainees, and the ratios and wage rates prescribed in that program. In the event the Bureau of Apprenticeship and Training withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) *Equal employment opportunity.* The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

5. Section 5.6 is amended to read as follows:

§ 5.6 Enforcement.

(a) * * *

(2) The Federal agency shall make such examination of the submitted payrolls and statements as may be necessary to assure compliance with the labor standards clauses required by the regulations contained in this part and the applicable statutes listed in § 5.1. In connection with such examination particular attention should be given to the correctness of classifications and disproportionate employment of laborers, helpers,

apprentices or trainees. Such payrolls and statements shall be preserved by the agency for a period of 3 years from the date of completion of the contract and shall be produced at the request of the Secretary of Labor at any time during the 3-year period.

(3) In addition to the examination of payrolls and statements required by paragraph (a)(2) of this section, the Federal agency shall cause investigations to be made as may be necessary to assure compliance with the labor standards clauses required by the regulations contained in this part and the applicable statutes listed in § 5.1. Projects where the contract is of short duration (6 months or less) shall be investigated before the work is accepted, if feasible. In the case of contracts which extend over a long period of time the investigation shall be made with such frequency as may be necessary to assure compliance. Such investigations shall include interviews with employees and examinations of payroll data and evidence of registration and certification with respect to apprenticeship and training plans to determine the correctness of classifications and disproportionate employment of laborers, helpers, apprentices or trainees. Complaints of alleged violations shall be given priority. It is the policy of the Department of Labor to protect the identity of its confidential sources and to prevent an unwarranted invasion of personal privacy. Accordingly, the identity of an employee who makes a confidential written or oral statement as a complaint or in the course of an investigation, as well as portions of the statement which would reveal his identity, will not be disclosed without the prior consent of the employee. Disclosure of employee statements shall be governed by the provisions of the "Freedom of Information Act" (5 U.S.C. 552, see 29 CFR Part 70) and the "Privacy Act of 1974" (5 U.S.C. 552a).

(b) (1) Whenever any contractor or subcontractor is found by the Secretary of Labor or the Agency Head with the concurrence of the Secretary of Labor to be in aggravated or willful violation of the labor standards provisions of any of the applicable statutes listed in § 5.1, other than the Davis-Bacon Act, such contractor or subcontractor or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest shall be ineligible for a period not to exceed 3 years (from the date of publication by the Comptroller General of the name or names of said contractor or subcontractor on the ineligible list as provided below) to receive any contracts subject to any of the statutes listed in § 5.1. *Provided, however,* That the Administrator of the Wage and Hour Division shall direct the removal from the debarred bidders list of any contractor or subcontractor whom he has found to have demonstrated a current responsibility to comply with the labor standards provisions applicable to Federal contracts and federally assisted construction work subject to any of the applicable statutes listed in § 5.1. In cases arising under contracts covered by the Davis-Bacon Act, the ineligibility provision prescribed in that act shall govern.

(2) The Agency Head shall furnish to the Secretary of Labor for transmittal to the Comptroller General the names of the persons or firms who have been found to have disregarded their obligations to employees. The Comptroller General will distribute a list to all Departments of the Government giving the names of such ineligible persons or firms.

(c) (1) Whenever as a result of an investigation conducted by the Agency or the Department of Labor, the Deputy Administrator of the Wage and Hour Division, Department of Labor, finds reasonable cause to believe that a contractor or subcontractor has committed willful or aggravated violations of the labor standards provisions of any of the statutes listed in § 5.1 (other than the Davis-Bacon Act), or has committed violations of the Davis-Bacon Act which constitute a disregard of its obligations to employees or subcontractors under section 3(a) thereof, he shall promptly notify by registered or certified mail the contractor or subcontractor and its responsible officers, if any (and any firms in which the contractor or subcontractor are known to have a substantial interest), of the finding and afford such contractor or subcontractor and any other parties notified an opportunity to present such reasons or considerations as they have to offer relating to why debarment action should not be taken under paragraph (b) of this section or section 3(a) of the Davis-Bacon Act. The Deputy Administrator shall furnish to those notified a summary of the investigative findings, and shall make available to them any information disclosed by the investigation which is not privileged or found confidential for good cause. If this opportunity is requested, an informal proceeding shall be held before an administrative law judge, an Assistant Regional Director for Employment Standards, or any other departmental officer of appropriate ability. At the conclusion of the informal proceeding, the presiding officer shall issue his decision which shall be served by registered or certified mail upon the interested parties.

(2) Within 30 days after service of the decision, any interested party may file objections to the decision with the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D.C. 20210. Such objections shall be specific, and shall be accompanied by reasons or bases therefor. In his discretion, the Administrator may permit oral argument. If no objections are filed, the decision of the presiding officer shall be final, except in cases under section 3 of the Davis-Bacon Act as to any action to be taken by the Comptroller General under that section.

(3) The decision of the Administrator shall show a ruling upon each objection presented, and shall include a statement of (i) the findings and conclusions, as well as the reasons or bases therefor, upon all material issues of fact, law, or discretion presented on the record, and (ii) an appropriate order or recommendation. The decision of the Administrator shall be final, except in cases accepted for review, upon petition, by the Wage Appeals Board and in cases under section 3 of the Davis-Bacon Act as to any action to be taken by the Comptroller General under that section.

(d) Any person or firm debarred under § 5.6(b) may in writing request removal from the debarment list. The procedure for removal shall be substantially similar to the debarment procedure set forth in paragraph (c) of this section. That is, the person or firm shall have an opportunity to demonstrate in an informal proceeding a current responsibility to comply with the labor standards provisions applicable to Federal contracts and to federally assisted construction work and to file objections to the presiding officer's decision for consideration by the Administrator.

6. Section 5.11(b) is revised to read as follows:

§ 5.11 Department of Labor investigations, hearings.

* * * * *

(b) In the event of disputes concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations, the Secretary of Labor may, upon request by a Federal agency or on his own motion, direct a hearing to be held. For the purpose of the hearing the Chief Administrative Law Judge shall, in writing, designate an administrative law judge who shall, after notice to all interested parties, make such investigation and conduct such hearings as may be necessary and render a decision embodying his findings and conclusions and if wages are found to be due, the amounts thereof. The administrative law judge's decision shall be sent to the interested parties and shall be final unless a petition for review of the decision by the Administrator of the Wage and Hour Division is filed by any such parties in quadruplicate with the Chief Administrative Law Judge, United States Department of Labor, Washington, D.C. 20036, within 20 days after receipt thereof. The petition for review must set out separately and particularly each objection asserted. The petition for review and the record which shall include the administrative law judge's decision then shall be certified by the administrative law judge to the Administrator. The petitioner may file a brief (original and four copies) in support of his petition within the 20-day period and any interested party upon whom the administrative law judge's decision has been served may within 10 days after the expiration of the time for filing the petition for review, file a brief in support of, or in opposition to the administrative law judge's decision. The Administrator's decision shall be subject to such further review by the Wage Appeals Board, as it may provide in its discretion.

7. A new § 5.15 is added as follows:

§ 5.15 Training plans approved or recognized by the Department of Labor prior to August 20, 1975.

(a) Notwithstanding the provisions of § 5.5(a)(4)(ii) relating to the utilization of trainees on Federal and federally assisted construction, no contractor shall be required to obtain approval of a training program which, prior to August 20, 1975, was approved by the Department of Labor for purposes of the Davis-Bacon and Related Acts, was established by agreement of organized labor and management and therefore recognized by the Department, and/or was recognized by the Department under Executive Order 11246, as amended. A copy of the program and evidence of its prior approval, if applicable, shall be submitted to the Bureau of Apprenticeship and Training, which shall certify such prior approval or recognition of the program. In every other respect, the provisions of § 5.5(a)(4)(ii)—including those relating to registration of trainees, permissible ratios, and wage rates to be paid—shall apply to these programs.

(b) Every trainee employed on a contract executed on and after August 20, 1975, in one of the above training programs must be individually registered in the program in accordance with BAT procedures, and must be paid at the rate specified in the program for his level of progress. Any such employee listed on the payroll at a trainee rate who is not registered and participating in a program certified by BAT pursuant to this section, or approved and certified by BAT pursuant to § 5.5(a)(4)(ii), must be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The ratio of trainees to journeymen shall not be greater than permitted by the terms of the program.

(c) In the event a program which was recognized or approved prior to August 20, 1975, is modified, revised, extended, or renewed, the changes in the program or its renewal must be approved by the Bureau of Apprenticeship and Training before they may be placed into effect.

8. A new § 5.16 is added as follows:

§ 5.16 Withdrawal of approval of a training program.

If at any time the Bureau of Apprenticeship and Training determines, after opportunity for a hearing, that the standards of any program, whether it is one recognized or approved prior to August 20, 1975, or a program subsequently approved, have not been complied with, or that such a program fails to provide adequate training for participants, a contractor will no longer be permitted to utilize trainees at less than the predetermined rate for the classification of work actually performed until an acceptable program is approved. If the contractor brings an appeal pursuant to § 5.17 within 30 days of his receipt of a certified letter withdrawing the Bureau of Apprenticeship and Training's approval, the effect of the withdrawal of approval of the program will be delayed until a decision is rendered on the appeal.

9. A new § 5.17 is added as follows:

§ 5.17 Appeal from Bureau of Apprenticeship and Training's decisions.

(a) Appeal from a withdrawal of approval of a training program by the Bureau of Apprenticeship and Training pursuant to § 5.16 may be made to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210. Appeals brought more than 30 days after the contractor's receipt of notice of withdrawal of approval of a program will be processed, but the effects of withdrawal of approval of the program will not be delayed during consideration of such an appeal.

(b) Appeal from disapproval of new training programs whose approval is requested pursuant to these regulations may be made to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210.

(c) The Assistant Secretary for Manpower (or his designee) shall examine the complete record on the basis of which the denial was issued, including the application for the program, supporting data, Bureau of Apprenticeship and Training decision, and any written argument which the applicant may submit, and any reply thereto by the Bureau of Apprenticeship and Training. Copies of any such reply shall be served on the applicant. The Assistant Secretary, or his designee, shall approve or disapprove the decision of the Bureau or shall advise what modifications are necessary for approval of the program. This decision by the Assistant Secretary or his designee shall be final.

B. Part 5a is revoked.

Signed at Washington, D.C., this 15th day of July, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-18819 Filed 7-18-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

Exemptions from Use of Government Tags and Other Identification

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), § 114-38.607 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on July 21, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 11, 1975.

Section 114-38.607 is amended to read as follows:

§ 114-38.607 Report of exempted motor vehicles.

Periodic reports are not required. However, the head of each bureau and office is responsible for establishing procedures to ensure that current records are maintained for all vehicles exempted from the requirement for display of official identification. Upon request, each bureau and office will submit a report showing the total number of vehicles exempted pursuant to FPMR 101-38.605 and 101-38.606.

[FR Doc.75-18809 Filed 7-18-75;8:45 am]

PART 114.52—ESTABLISHMENT OF QUARTERS RENTAL RATES

Regulatory Authority

Pursuant to section (6) of the Federal Employees Quarters and Facilities Act of August 20, 1964 (78 Stat. 557; 5 U.S.C. 3121) and the authority of the Secretary of the Interior contained in 5 U.S.C. 301, the Department is amending Chapter 114, Title 41 of the Code of Federal Regulations to incorporate the revisions contained in OMB Circular No. A-45 (Revised), Transmittal Memorandum No. 2, for effecting periodic adjustments in the quarters rental rates and charges for related facilities.

Since the regulations and procedures prescribed in this notice involve matters relating solely to internal agency management (5 U.S.C. 553(a)(2)) the amendatory regulations will be effective July 21, 1975.

Accordingly, Chapter 114 is amended as hereinafter provided.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 11, 1975.

1. Section 114-52.103 is revised as follows:

§ 114-52.103 Regulatory Authority.

Office of Management & Budget Circular No. A-45, revised, dated October 31, 1964, as supplemented by Transmittal Memorandums Nos. 1 & 2, establishes the basic regulations governing the setting of quarters rental rates, adjustments thereto, and charges for furnishings and utilities.

2. Section 114-52.206(a)(2) is revised as follows:

§ 114.52-206 Establishment of charges for utilities.

(a) * * *

(2) When utilities are not metered or otherwise measured utility charges will be arrived at as follows:

(i) By comparison with the cost of such service to tenants of comparable private rental housing when basic rental rates are established, affirmed or adjusted through a private rental market survey.

(ii) By application of the consumer price index procedures, set forth in Appendix I to OMB Circular A-45, revised,